

EXECUTIVE ORDER 2010-09

Establishing Law Enforcement Training for Immigration Laws

WHEREAS, Senate Bill 1070 was signed into law on April 23, 2010, and establishes a statewide policy to discourage and deter the unlawful entry and presence of aliens and economic activity by persons unlawfully present in the United States; and

WHEREAS, in accordance with Article V, Section 4 of the Arizona Constitution, the Governor is responsible for the supervision of the executive department and is obligated and empowered to protect the interests of the people and the State by taking care that the laws are faithfully executed; and

WHEREAS, Senate Bill 1070 prohibits any official or agency of this state or a county, city, town or other political subdivision of this state from limiting or restricting the enforcement of federal immigration laws to less than the full extent permitted by federal law; and

WHEREAS, Senate Bill 1070 requires a law enforcement official or a law enforcement agency of this state, county, city, town or other political subdivision when lawful contact is made and reasonable suspicion exists that the person is an alien who is unlawfully present in the United States, to reasonably attempt, when practicable, to determine the immigration status of the person, except if the determination may hinder or obstruct an investigation; and

WHEREAS, Senate Bill 1070 provides that the immigration enforcement by police agencies shall be implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons and respecting the privileges and immunities of United States citizens; and

WHEREAS, Senate Bill 1070 prohibits a law enforcement official or agency of this state or a county, city, town or other political subdivision of this state from solely considering race, color or national origin in implementing Senate Bill 1070 except to the extent permitted by the United States or Arizona Constitution; and

WHEREAS, the Arizona Peace Officer Standards and Training Board (Board) was established by law to address the need for uniform peace officer selection, recruitment, retention and training standards, and to provide curriculum and standards for all certified law enforcement training facilities; and

WHEREAS, the Board is required by A.R.S. § 41-1822(A)(4) to prescribe minimum courses of training for law enforcement officers in the state and all political subdivisions; and

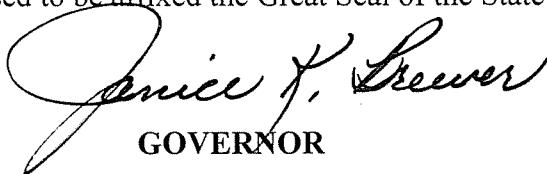
WHEREAS, the Board members are appointed by the Governor pursuant to A.R.S. § 41-1821, and the Governor may in accordance with A.R.S. § 41-101(A)(9), require the board to make special reports to the Governor upon written request; and

WHEREAS, the Board per A.R.S. § 41-1822(A)(2) is required to make recommendations to the Governor, Speaker of the House of Representatives and the President of the Senate on all matters relating to law enforcement and public safety;

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby order and direct as follows:

1. The Arizona Peace Officer Standards and Training Board (Board) shall prescribe a minimum course of training for law enforcement officers in the state and all political subdivisions to implement Senate Bill 1070.
2. The course of training established by the Board shall provide statewide and uniform practices to assure that law enforcement officials and agencies are implementing Senate Bill 1070 in a manner that is consistent with federal laws regulating immigration, protects the civil rights of all persons and respects the privileges and immunities of United States citizens.
3. The course of training established by the Board shall provide clear guidance to law enforcement officials regarding what constitutes reasonable suspicion, and shall make clear that an individual's race, color or national origin alone cannot be grounds for reasonable suspicion to believe any law has been violated.
4. Provide a list of the specific forms of identification that provide a presumption that a person is not an alien who is unlawfully present in the United States.
5. The Board shall report to the Governor in writing its timeline for promulgating the new course of training materials no later than May 21, 2010.
6. The Board shall have the course of training completed within sixty days of the signing of the Executive Order and shall make its best efforts to ensure all law enforcement personnel in this State receive training regarding the new procedures before the effective date of Senate Bill 1070.
7. The Board shall submit a written report to the Governor no later than December 31, 2010, setting forth recommendations with respect to the implementation of Senate Bill 1070, including any recommended changes to the law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.


GOVERNOR

DONE at the Capital in Phoenix, Arizona this 23rd day of April in the Year Two Thousand and Ten and of the Independence of the United States of America the Two Hundred and Thirty-Fourth.

ATTEST:

SECRETARY OF STATE

